

June 17, 2011

VIA E-MAIL: VotersFirstAct@crc.ca.gov

Honorable Commissioners  
California Redistricting Commission  
1130 K Street, Suite 200  
Sacramento, CA 95814

Dear Commissioners:

On behalf of AARP, Advancement Project, California Common Cause, California Chamber of Commerce, California Forward, Central Coast Alliance United for a Sustainable Economy (CAUSE), The Greenlining Institute, League of Women Voters of California, and The Rose Institute of State and Local Government at Claremont McKenna College, we write to provide specific recommendations to ensure that the Commission draws districts that comply with the California Constitution, and with the Voting Rights Act in particular.

The 2011 redistricting process has, if nothing else, stimulated a new level of public participation and engagement in a topic that has traditionally been done behind closed doors. In the first round of hearings, you received voluminous amounts of testimony that spoke primarily to the fourth criteria of communities of interest, neighborhoods, cities and counties. This testimony is extremely important and necessary.

Your challenge now is to take specific steps to obtain the information and analysis necessary to draw districts that will comply with the Voting Rights Act, and then the lower ranked criteria. With this specific challenge in mind, we are writing to provide recommendations on how you can focus your scarce time and resources in the next few weeks.

1. Compliance with Section 2 of the Voting Rights Act

We believe the Commission needs to instruct Q2, the Commission's mapping consultants, and Professor Matthew Barreto, the Commission's recently-hired expert on racially polarized voting, to identify areas of California where there are potential districts that could or should be drawn to comply with the Voting Rights Act. We believe that, based on the usual roles such consultants play in other redistricting processes, the Commission should instruct:

- 1) Q2 to provide analysis about what areas specific minority groups constitute a sufficiently large and geographically compact group to constitute a majority minority district, based on citizen voting age population; and
- 2) Barreto to study turnout and voting numbers to identify (a) whether there is racial polarization among the electorate; and (b) what percentage of a "protected class" (or coalition of protected classes) is necessary for an "effective" district.

Both of these tasks are necessary for the Commission (and legal counsel) to determine which districts may satisfy the Voting Rights Act, Section 2 test, established in *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986), i.e., whether these minority groups constitute a sufficiently large and geographically compact group to constitute a majority minority district, based on citizen voting age population, whether the groups are politically cohesive and whether racially polarized voting exists to deny such groups the effective ability to elect candidates of their choice.

The Commission released the first round of draft redistricting plans on June 10, 2011 before Professor Barreto had analyzed the racially polarized voting (RPV) patterns of any proposed districts, and with minimal analysis by the mapping consultants or legal counsel. The RPV analysis is essential to ensuring that the districts the Commission draws comply with Section 2 of the Voting Rights Act. Given the limited time and resources, the Commission may decide not to conduct RPV analysis in all the areas listed below.

To assist with this daunting task, we want to share with you a “conversion” chart that may be useful for you to decide how to instruct Professor Barreto where to conduct the RPV analysis.

<b>CRC District with possible VRA populations</b>	<b>CAPAFR<sup>1</sup> district(s)in area</b>	<b>MALDEF district(s)in area</b>	<b>CIJEE district(s) in area</b>
<b>Congressional</b> (Percentages listed are minority citizen voting aged populations)			
KINGS - 49.3% Lat		CD 20 - 50.10% Lat CD 21 - 50% Lat	CD 19– 45.51%Lat CD 21– 42.20%Lat
SFVET - 49.60% Lat		CD 28 - 50.80% Lat	CD 36– 50.08%Lat
ELABH - 57.57% Lat		CD 31 – 52% Lat CD 34 – 63.80% Lat	CD 32– 29%Lat
DWWATR - 59.3% Lat LBPRT - 24.47% Lat		CD 38 – 54.80% Lat CD 39 – 55% Lat	CD 28- 62.06%Lat
COVNA - 50.80% Lat		CD 36 – 51.70% Lat	CD 43-29%Lat
Perris– 36.62% Lat RVMV – 34.39% Lat SBRIA – 44.48% Lat		CD 43 - 51% Lat CD 44 – 53% Lat	CD 27 – 48%Lat CD 42 - 29.6%Lat CD 44- 55%Lat
IMSAN – 50.60% Lat		CD 51 – 52.30% Lat	CD 53–51.37% Lat

<sup>1</sup> CAPAFR did not submit a statewide Congressional maps.

<b>CRC District with possible VRA populations</b>	<b>CAPAFR district(s)in area</b>	<b>MALDEF district(s)in area</b>	<b>CIJEE district(s)in area</b>
<b>Senate (Percentages listed are minority citizen voting aged populations)</b>			
KINGS – 50.69%Lat MERCED – 39.59%Lat COAST – 16.2%Lat TUL-KERN – 24.96%Lat	SD 15 - 51.8%Lat	SD 4 – 50%Lat SD 16 - 50%Lat	SD P -49.78%Lat SD 0 -40.47% Lat SD R -20.22%Lat
LAWSG – 54.32%Lat, 28.97%Asn LADNT -35.48%Lat	SD 24 - 50.2%Lat  SD25 - 50.2% Lat SD26 - 53.9% Lat	SD 22- 50.1%Lat	SD W -36.6% Afr, 29.3%Lat SD AA-18.7% Asn, 35.5% 42.43%Lat
POMSB – 51.51%Lat RIVMV -34.92%Lat	SD33 - 52.2% Lat SD24 - 50.2% Lat	SD 24- 50.2%Lat SD 32-50.1%Lat	SD Z – 51.6%Lat SD FF – 27.27% Lat
LALBS 35.67%Lat LAWSG - 54.32%Lat, 28.97%Asn LACVN – 57.1%Lat LAWBC –37.9%Lat, 37.39% Afr	SD25 - 53.9% Lat SD26 - 50.0% Lat SD27 - 56.2% Lat	SD 27- 50.05%Lat SD 28- 50%Lat SD 30- 50.1%Lat	SD EE – 37.35%Lat SD CC – 78.44% SD X- 40.51%Lat SD BB – 62.37% Afr, 28.78% Lat
ISAND – 26.84%Lat CSAND – 26.98%Lat	SD40 – 50.9%Lat	SD 40- 50.1%Lat	SEN NN – 49.98%Lat SEN GG – 27.52% Lat

<b>CRC District with possible VRA populations</b>	<b>CAPAFR district(s)in area</b>	<b>MALDEF district(s)in area</b>	<b>CIJEE district(s)in area</b>
<b>Assembly (Percentages listed are minority citizen voting aged populations)</b>			
FSEC2 - 50.56%Lat	AD 30 - 50.5%Lat	AD 31 - 50.2% Lat	AD 31- 51.19%Lat
BKRFD - 21.31%Lat KINGS - 46.26% Lat TLRE - 37.94% Lat	AD 32 - 50.49%Lat	AD 34 - 52.7% Lat	AD 32- 47.59%Lat
LASFW - 36.18% Lat LASFE - 52.01% Lat	AD 43 - 62% Lat	AD 39 - 53.9% Lat	
LAELA - 55.11% Lat	AD 48 - 52.5% Lat	AD 45 - 52.9% Lat	AD 49- 53.74%Lat
Downtown – 33.47%Lat, 26.22%Asn LAPRW - 60.75% Lat LASGL - 58.01% Lat VermontSq-FlorenceFir- 42.44%Lat, 47.36% Afr	AD 54 - 50.3% Lat AD 55 - 52.7% Lat	AD 46 - 52.5% Lat AD 50 - 51.5% Lat AD 53 - 50.2% Lat	AD 56 -83.23%Lat AD 59- 51.74%Lat
WSGV – 49.95 Asn Lat Whit-Norw – 60.77% Lat LAPRW - 60.75% Lat East SGV, Covina – 57.18%Lat	AD 49 -50.17%Asn AD 50 - 66.1% Lat AD 52 - 61.5% Lat	AD 56 - 55.6% Lat AD 57 - 50.1% Lat AD 58 - 52.6% Lat	AD 59- 51.74%Lat AD 54- 75.11%Lat AD 52- 55.5%Lat
POMVAL - 50.56% Lat	AD 68 - 50.2% Lat	AD 61 - 50.3% Lat	AD 53- 50.31%Lat
RLTFO - 52.57% Lat RIVJU - 35.64% Lat MTRMV - 34.18% Lat	AD 40 - 54.85% Lat	AD 62 - 50.1% Lat AD 64 - 50.0% Lat	AD 48-53.11% Lat
ANAFI - 28.67% Lat SNANA - 46.43%	AD 65 - 53.4% Lat	AD 69 - 53.6% Lat	AD 69-51.97% Lat
SSAND - 50.00%	AD 77 - 51.7%	AD 79 - 50.3%	AD 79-49.63% Lat
ISAND - 25.93% COACH - 29.08%	AD 80 - 50.6%	AD 80 - 50.6%	AD 79-49.63% Lat AD 80-50.34% Lat

## 2. Commission Maps and Supporting Data

We urge the Commission to release the relevant data and legal assumptions used in drawing the second round district maps, including the analysis and standards used to draw districts compliant with both Section 2 and 5 of the Voting Rights Act, data about the populations within each district, percentages of communities, neighborhoods, cities, and counties within a proposed district, and other considerations for drawing the second round district maps. In order for the public (and the Commission) to analyze whether the proposed maps meet the Section 5 requirements, it is critical for the Commission’s legal counsel to articulate a clear standard to follow and for the consultant line drawers to provide the information relevant to the analysis. This standard should be informed by Prof. Barreto’s analysis of what thresholds of minority citizen voting aged populations are necessary for an “effective district” on a county by county basis and the percentages needed to ensure there is not retrogression among the effective districts. This will allow the Commission (and Commission legal counsel) to identify whether those districts should be adjusted to meet the requisite thresholds and / or need to be “un-packed.”

We recommend that the Commission publicly confirm the standards it will use for Voting Rights Act Section 5 purposes.

Lastly, we truly appreciate the commitment and sacrifices you have made to give all Californians the opportunity to provide input into how our legislative districts should be drawn to best represent us and to pioneer a fully public and transparent redistricting process.

Very truly yours,

David Pacheco  
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Kathay Feng  
California Common Cause

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